



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,530	01/17/2001	Robert Berliner	169-274	6423

167 7590 08/10/2005

FULBRIGHT AND JAWORSKI LLP  
555 S. FLOWER STREET, 41ST FLOOR  
LOS ANGELES, CA 90071

EXAMINER
----------

LANEAU, RONALD

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/764,530

Applicant(s)

BERLINER, ROBERT

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,14-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-11,14-17,19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The amendment filed on 09/764,530 has been entered. New claim 21 is added, claims 2-4, 9, 12, 13, and 18 are canceled and claims 1, 5-8, 10, 11, 14-17 and 19-21 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-11, 14-16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koprowski (Wall Street Journal, 1998) in view of Allsop US5970472.

As to claim 1, Koprowski discloses: a method (p. 3 of 4) of doing business on the world wide web, comprising the following steps: a provider provides and displays information on a web site about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and depicting the relationship of said parts to the device; a user uses a mouse to click on displayed graphics representing a replaceable part of a device (see Koprowski, page 4, paragraph 6-9). Koprowski does not disclose a list of a plurality of manufacturers or vendors of the item selected but Allsop teaches: information is electronically provided to the user in response to process an order and wherein the information comprises a list of a plurality of manufacturers or vendors of the item selected by the user is made available to the user, and wherein the user can

Art Unit: 3627

obtain information about the item or purchase the item by clicking one of the manufacturers or vendors in the list.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the manufacturers or vendors' listings as taught by Allsop into the system of Koprowski because it would allow customers to purchase products of competing brand and in addition provide a technique by which a manufacturer can refer a potential on-line customer to an authorized dealer for on-line sales without exposing the customer to competing product information.

As to claim 5, Allsop teaches: wherein the user is directed to a web site of the manufacturer or vendor.

As to claim 6, Allsop teaches: wherein the web site of the manufacturer or vendor is its Site home page.

As to claim 7, Allsop teaches: wherein the web site of the manufacturer or vendor is a site page on which information on the product is displayed.

As to claim 10, Koprowski discloses and Allsop teaches: wherein by clicking one of the manufacturers or vendors, the user is directed to an order page.

As to claim 11, Koprowski discloses: an internet web site and a program operating said website, comprising: a plurality of web site pages providing information about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and depicting the relationship of said parts to the device wherein a user uses a mouse to click on said displayed graphics representing a replaceable part of a device. Koprowski does not disclose a list of a

Art Unit: 3627

plurality of manufacturers or vendors of the item selected but Allsop teaches: information comprising a list of a plurality of manufacturers or vendors of the item selected by the user is made available to the user, and wherein the user can obtain information about the item or purchase the item by clicking one of the manufacturers or vendors in the list.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the manufacturers or vendors' listings as taught by Allsop into the system of Koprowski because it would allow customers to purchase products of competing brand and in addition provide a technique by which a manufacturer can refer a potential on-line customer to an authorized dealer for on-line sales without exposing the customer to competing product information.

As to claim 14, Allsop teaches: wherein the user is directed to a web site of the manufacturer or vendor.

As to claim 15, Allsop teaches: wherein the web site of the manufacturer or vendor is its site home page.

As to claim 16, Allsop teaches: wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed.

As per claims 19 and 20, Koprowski discloses a method wherein by clicking on the name of a manufacturer, model part numbers are displayed as claimed.

4. Claims 8, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koprowski (Wall Street Journal, 1998) in view of Allsop (US5970472), and further in view of Messer (US5991740).

Art Unit: 3627

As to claim 8, the difference between the claim and Koprowski is the claim recites: wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site. Messer discloses a method and system for carrying out electronic commerce similar to that of Koprowski. In addition, Messer further teaches a site page set up to receive referrals from another web site and to compensate the owner of the referring web site (col. 3, Ln. 25-30; Col. 4, Ln. 47-60; col. 9, Ln. 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the manufacturers or vendors' listings as taught by Allsop into the system of Koprowski because it would allow customers to purchase products of competing brand and in addition provide a technique by which a manufacturer can refer a potential on-line customer to an authorized dealer for on-line sales without exposing the customer to competing product information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the referrals as taught by Messer into the combined systems of Koprowski and Allsop because it would provide the ability of widespread advertising and promotion for a part/item would be achieved, as taught by Messer.

As to claim 17, Messer teaches: wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

As per claim 21, the combination of Koprowski, Allsop and Messer would disclose a method wherein the provider derives revenue from making one or more of said items of information available by one or more of the following activities: (a) direct sale of one or more

Art Unit: 3627

replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site.

***Response to Arguments***

5. Applicant's arguments filed on 06/07/05 have been fully considered but they are not persuasive.

Applicant argues that the cited references do not disclose or suggest the claimed invention in which a list of one or more manufacturers is provided only after the user uses a mouse to click on displayed graphics representing a replaceable part of a device. Contrary to Applicant's arguments, it does not matter when the list of manufacturers come into the equation so long as the user is able to purchase the needed parts and Applicant has not pointed out the advantages of having to show the manufacturers' listings after the user click on the displayed graphics. Applicant's argument are deemed unpersuasive, claims 1, 5-11, 14-17, and 19-21 stand finally rejected.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 3627

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau  
Examiner  
Art Unit 3627

rl

*Handwritten signature: Ronald Laneau*  
*Handwritten text: 8/5/05*  
*Handwritten text: Primary Examiner*